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4. [redacted] FAA Called Rob Roy Ratliff, NSC staff, to fill him in on the background of our conversations with Phil Buchen, Counsel to the President, concerning reports on Presidential Findings under the Foreign Assistance Act of 1961, as amended, and alerted Ratliff to the fact that the Director was sending two letters to the President on this subject today which we were sending in NSC channels. I asked, however, that he or General Scowcroft inform Buchen that these letters had been received. He said he would be sure to do so.

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GEORGE L. CARY
Legislative Counsel

cc:
O/DDCI

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[redacted]
Ex. Sec.
DDI DDA DDS&T
Mr. Warner Mr. Parmenter
Mr. Thurston
Compt EA/DDO

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28.

FAA In follow-up of a request from

[redacted] OGC, while on the Hill called Philip Buchen, Counsel to the President, who is concerned with the applicability of 22 U.S.C. Section 2414 requiring publication in the Federal Register of the Presidential Findings or the fact of a Presidential Finding under the Foreign Assistance Act of 1961. I reviewed with Buchen the main reasons which could be used to argue and hold that that section does not apply to new Section 662, including the exchange on the Senate floor between Senators Hubert Humphrey (D., Minn.), Harold Hughes (D., Iowa), the sponsor of the amendment, and John C. Stennis (D., Miss.) concerning the reporting to be made to the committees that it should not be in writing to protect the sensitive matters involved; that the type of reporting should be what the reporting officer considers to be appropriate as agreed to by the committees, and that it would be equally clear that the Congress intended no public reporting in the Federal Register. I also pointed out that no Administration witnesses have been permitted to testify on the provision and that apparently only this Agency raised specific objections to OMB and the Department of State to the provision as being a misfit in the Foreign Assistance Act, its possible unconstitutional impingement upon Presidential authorities, and the inadequate study given to the public and private law implications of the enactment but that generally we were given the impression by State and others who were fighting to get the foreign aid bill through and to whom we had communicated our thoughts that they preferred not to rock the boat. I said I felt it particularly disturbing that those who did not heed our concern are now the very ones pointing to the public requirement of the Foreign Assistance Act. In response to my offer, Buchen said it was not necessary to provide anything in writing at this time.

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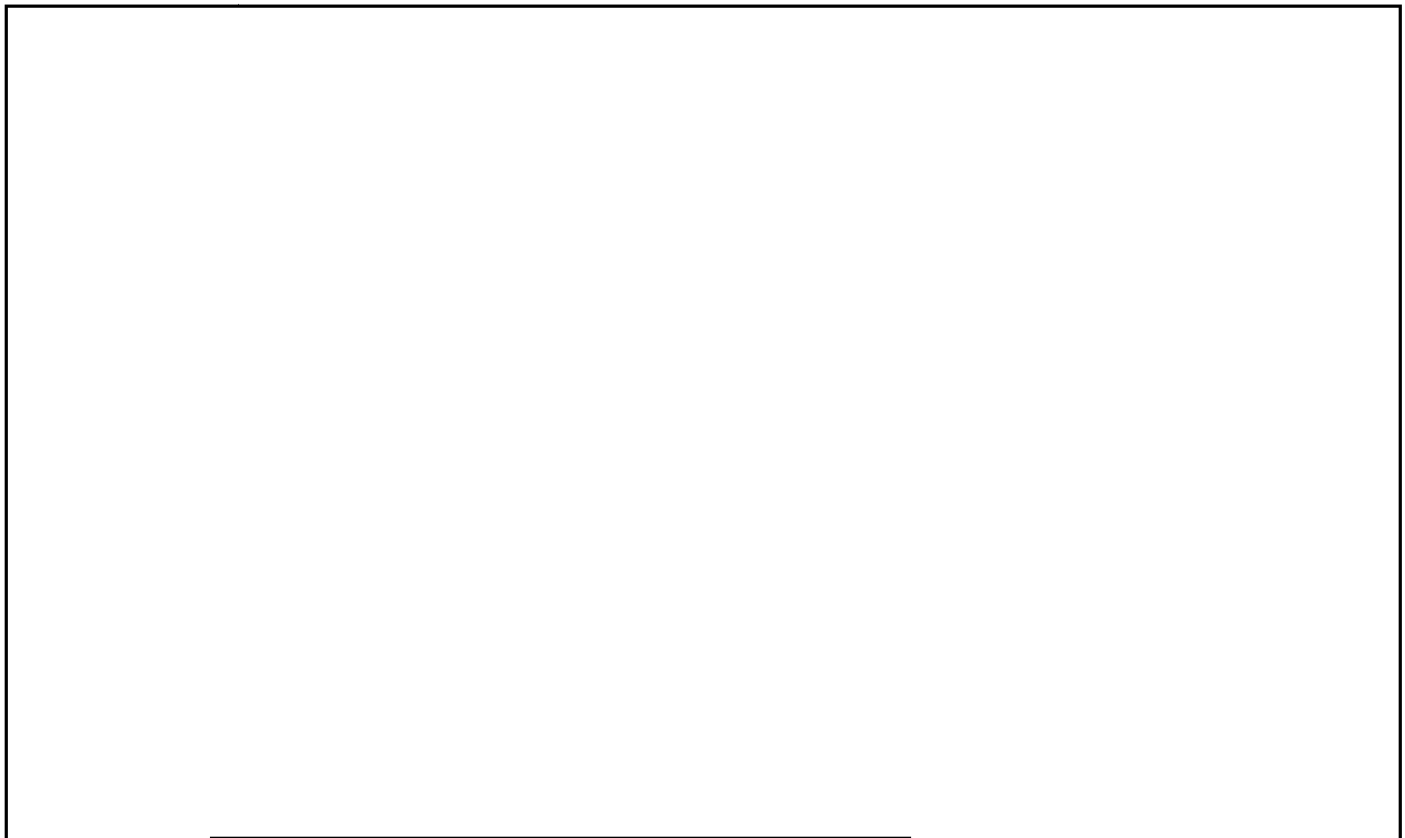
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10. [redacted] OGC, called in connection with inquiries from Philip Buchen, Counsel to the President, and Monroe Leigh, State Department, relating to the requirements in the Foreign Assistance Act of publishing in the Federal Register Presidential Findings and the applicability of this general provision to Section 662. I told [redacted] that no thought was given to this requirement in the enactment of Section 662; that the legislative history of the Act makes it clear that Congress intended no publicity of these Findings, and in fact, there was concern for security reasons of the type of record made before the committees receiving a report of the Presidential Findings; that the provision is a misfit in the Foreign Assistance Act and a reasonable argument can be made that it is separate from other requirements in the Act; that the Agency had argued that such a provision does not belong in the Foreign Assistance Act while the matter was still pending before the Congress along with other arguments against the amendment, including the possibility of its making an unconstitutional encroachment of the Presidential powers, which position was communicated to OMB and the Department of State at the time. [redacted] said he would see if this would satisfy the queries now but he will be back in touch with us later.

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[REDACTED]
15. [REDACTED] BRIEFING FAA Accompanied the Director to a briefing of the House International Relations Committee's Subcommittee on Oversight on the Presidential Finding of 10 August 1975. See Memo for Record.

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16. [REDACTED] LIAISON Before our meeting with the Subcommittee on Oversight, House International Relations Committee, began, I spoke with Marian Czarnecki, Staff Director, and advised him that we had changed the format of the intelligence bulletin which we are providing to the Congress and showed him a copy of the Intelligence Check List for Congress. At the Director's instructions, I asked Czarnecki if it was still his desire not to be put on distribution for this type of material. Czarnecki said he now would like to receive it and I told him I would talk to [REDACTED] OCI, and ask him to make the necessary arrangements. Czarnecki said that Noel Daoust had left the Committee staff and that Nancy Carmen would be the secretary who would be handling this.

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I also talked with Czarnecki about the conversations we have had with Mike Oppenheimer, GAO, who is looking into the Mayaguez incident for Mr. Fascell's Subcommittee on International Political and Military Affairs. I told Czarnecki we had been working with the National Security Council staff in providing material on this, but we would prefer to deal directly with the Committee and not to channel the material through GAO. Czarnecki said he was sure that would be satisfactory but suggested we clear this approach with Mr. Fascell.

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17. [REDACTED] FAA The Director advised of a conversation he had with Phil Buchen, Counsel to the President, today in which he said if we could get to our Committee Chairmen and notify them of the country concerned in the Presidential Finding of 10 August 1975, he thought they would be able to release funds for the program. I told the Director we would make every effort to get through to all the Chairmen this afternoon.

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11. [REDACTED] LIAISON Talked further with Mike Oppenheimer, GAO, concerning GAO's request for Agency documents relating to the Mayaguez incident, and he found no trouble at all with my suggestion that he put his request into writing, preferably from Comptroller General Staats to Mr. Colby. The two specific documents of interest are the Post Mortem and an analysis prepared by the Agency on the Cambodians' intentions in seizing the ship.

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12. [REDACTED] LIAISON Frank Slatinshek, Chief Counsel, House Armed Services Committee, called and asked us to bring along extra copies of the Intelligence Check List for Congress so that this item can be covered when we meet with the Special Subcommittee on Intelligence on Monday.

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13. [REDACTED] AGENCY VISIT In response to his request in the morning, arranged for Richard Moose, Senate Foreign Relations Committee staff, to visit the Agency for the purpose of exchanging views on Angola with [REDACTED] OCI. [REDACTED] OCI, participated for part of the session which went very well. Moose said he would raise with Senator Dick Clark (D., Iowa) the interest of our biographic people to sit down and gain some firsthand impressions of the African leaders that the Senator and Moose met during their recent trip. Moose also will return the classified biographic material which was provided prior to the trip.

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14. [REDACTED] LIAISON Mark Kleiman, formerly on the staff of Representative Les Aspin (D., Wis.), called to inform me he had left Aspin's staff to accept a position as a General Management Consultant for Ed Land at Polaroid.

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